

Magistrate Judge A. Kathleen Tomlinson  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 910  
Central Islip, N.Y. 11722 - 9014

RECEIVED  
IN CHAMBERS OF  
A. KATHLEEN  
TOMLINSON  
DEC 26 2009

Re: Capone v. Goldman 09 Civ 1208 (SJF)

Dear Magistrate Judge Tomlinson:

I received this Court's Order dated December 21, 2009 on December 26, 2009. In compliance therewith, please be advised that I will be proceeding Pro Se.

I also understand my responsibility to comply with my discovery obligations. Some may be problematic however due to my incarceration and the fact that many of the pertinent records are no longer in my custody having been turned over to the US Attorney's office. Inmates are only allowed one(1) hour

per week in the law library. The only copier is in the law library and it hasn't been working two out of the last 3 weeks.

As indicated in my initial communication, I feel compelled to appear and respond to the allegations in the complaint as Mr. Koek has taken so many liberties with the facts. For example, he continues to assert that I solicited Mr. Capone. Just not true. I didn't even know of Mr. Capone until Mr. Fox inquired if Goldman was seeking additional lenders. Further, every transaction involving Capone was done thru and with the knowledge of Mr. Fox, presumably to protect both Capone & his "commission"

Again, Capone was a lender, not an investor. All the documents were part of a conspiracy to allow Capone to avoid capital gains taxes.

Mr. Koek's use of the Corp affidavit also compels my appearance. He continually asserts the Corp affidavit as gospel.

That affidavit contains numerous errors and omissions.

Further, I am compelled to address the allegations against Andrea Goldman. She had no involvement whatsoever with the financial details of our company. On occasion she did rudimentary data entry when no one else was available (and nothing, I believe involving Capone.)

Curiously For and his associate performed such data entry when the need arose.

Lastly why is this case here? While I fully understand Mr. Capone's anger, this case belongs with the other Goldman matters. Mr. Capone also knows by now that his only recovery will come from the assets of the bankrupt estate, assets that have been ravaged by the decline in the market. Unfortunately, he's throwing good money after bad.

I thank this Court for consideration of my request.

Respectfully,

Mark Goodman

cc: Mr. Mark Cook

Mr. Jeffrey Daniels

Mr. F. Kenton

Mr. D. Blensky

Mr. Goldman  
C.C.# 09007635  
Location EDC  
100 CARMAN AVENUE  
EAST MEADOW, NEW YORK 11554-1146

MID-ISLAND NY 117  
28 DEC 2009 PM 1:17



USA  
FIRST-CLASS  
FOREVER

Magistrate Judge A. Kathleen Tomlinson  
United States District Court  
Eastern District of New York  
100 Federal Plaza, Courtroom 910  
Central Islip, N.Y. 11722-9014  
11722-4433

